

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application.

**Listing of Claims:**

1. (Currently Amended) A method for treating an upper airway condition of a patient, said method comprising:

selecting an implant sized to be implanted into a tissue of a pharyngeal wall of said patient, said implant being formed of a material selected to induce a fibrotic response of material amount and having mechanical characteristics for said implant to passively, and without application of external energy, resist deflection of said wall and urge a deflected tissue to return to a rest state; and

implanting said implant into said tissue of said pharyngeal wall.

2. (Original) A method according to claim 1 wherein said implant is metal.

3. (Original) A method according to claim 2 wherein said metal is nitinol.

4. (Original) A method according to claim 1 wherein said implant has tissue in-growth areas.

5. (Original) A method according to claim 1 wherein said condition is obstructive sleep apnea.

6. (Original) A method according to claim 1 wherein said implant is not connected to a bony structure.

7-10. (Cancelled)